



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,489	03/08/2001	Isao Iwaguchi	1081.1111/JDH	2199

21171 7590 03/08/2006

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

REAGAN, JAMES A

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,489

Applicant(s)

IWAGUCHI ET AL.

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-9,11,14-16,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 6-9, 11, 14, 15, 16, 20, and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in response to the amendment filed on 30 December 2005.
2. Claims 1, 3, 6-9, 11, 14, 15, 16, 20, and 21 have been amended.
3. Claims 1, 3, 6-9, 11, 14, 15, 16, 20, and 21 have been examined.

RESPONSE TO ARGUMENTS

4. Applicant's arguments received on 30 December 2005 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Previous Claim Rejections - 35 USC § 112

5. Claims 7, and 15 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. This rejection is hereby withdrawn.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 6-9, 11, 14, 15, 16, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US 6,487,540 B1) in view of Komai (US 6,625,579 B1), and further in view of Applicant's own admissions.

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the *entire* reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claims 1, 6 and 7 and 9:

With regard to the limitations of:

- *calculating goods settlement information from goods information of goods purchased by a user and processing a settlement;*
- *sending goods purchase information, including said goods settlement information, to a mobile terminal of said user, and storing the goods purchase*

Art Unit: 3621

information in said mobile terminal to communicate with a processing device of said user,

- *reading the goods information for the goods purchased by said user using a reader on said settlement device;*
- *calculating the goods settlement information from said read goods information on a register terminal of said settlement device and processing the settlement;*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51. The use of the Wireless Application Protocol (WAP) in this case reads on Applicants use of a prompt between units to signal transfer of data.

Smith does not specifically disclose a settlement key or a receipt issue key. Komai, however, in at least column 6, line 16 as well as column 11, line 51 does. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Smith and Komai because each reference common POS architectures known at the time of the instant invention.

With regard to the newly-added limitation of *wherein said sending of the goods purchase information comprises sending said goods purchase information to said mobile terminal from said register terminal in response to a prompt from a settlement key of said goods settlement information in said register terminal.*, Applicant, in the background of the specification, discloses that the processes between users and POS terminals are already well-known and widely used during a transaction.

Claims 3 and 11:

See the rejections of claim 1 above. With regard to the limitations of:

- *requesting said goods purchase information from said reader to said register terminal.*
- *receiving said goods purchase information from said register terminal to said reader.*

Art Unit: 3621

- *sending said received goods purchase information to said terminal from said reader.*
- *sending a send enable signal to said mobile terminal from said reader when said reader reads a barcode of said goods;*
- *transmitting a received request to said reader from said register terminal in response to said send enable signal, and*
- *requesting said goods purchase information from said reader to said register terminal in response to said receive request;*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51. The use of the Wireless Application Protocol (WAP) in this case reads on Applicants use of a prompt between units to signal transfer of data. In addition, see the inclusion of the Applicant's background information regarding POS terminals.

Claims 8 and 15:

See the rejections of claim 1 above. With regard to the limitations of:

- *receiving payment information from said mobile terminal and processing said settlement in response to said settlement request;*
- *said settlement unit receives payment information from said mobile terminal and processes said settlement.*
- *authorizing a sent user from said payment information, and*
- *processing said settlement according to said authorized result;*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51. In addition, see the inclusion of the Applicant's background information regarding POS terminals.

Claim 20:

With regard to the limitations of:

Art Unit: 3621

- *processing settlement according to a withdrawal account of said payment information.*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51. The use of the Wireless Application Protocol (WAP) in this case reads on Applicants use of a prompt between units to signal transfer of data. In addition, see the inclusion of the Applicant's background information regarding POS terminals.

Claim 21:

See the rejections of claim 1 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3621

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 [Official communications, After Final communications labeled "Box AF"]

571-273-8300 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAMES A. REAGAN

Primary Examiner

Art Unit 3621

01 March 2006

